

appearing upon the label, "Each Tablet Provides: \* \* \* Vitamin C—29 mg. (500 I. U.) Iron—6.8 mg. \* \* \* Three tablets daily provides 2½ times the minimum daily adult requirement of vitamin C and twice those requirements of iron," were false and misleading as applied to the article, which contained less vitamin C and iron than it was represented to contain.

**DISPOSITION:** October 29, 1943. The Montmorillonite Corporation, Albuquerque, N. Mex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. On March 31, 1944, pursuant to agreement, an amended decree was entered, ordering the products destroyed.

**6397. Misbranding of calcium pantothenate tablets. U. S. v. 15 Bottles of Calcium Pantothenate Tablets. Default decree of condemnation and destruction.** (F. D. C. No. 9832. Sample No. 12487-F.)

**LIBEL FILED:** April 26, 1943, Western District of Washington.

**ALLEGED SHIPMENT:** On or about February 25, 1943, by Alberty Food Products, from Hollywood, Calif.

**PRODUCT:** 7 unlabeled bottles, each containing 360 tablets, 1 bottle labeled as containing 360 tablets, and 7 labeled bottles, each containing 60 tablets, of calcium pantothenate, at Seattle, Wash.

The original consignment consisted of 48 bottles, each containing 360 tablets, which were unlabeled when shipped; 1 bottle had been relabeled, and 7 small bottles had been filled from the larger bottles and labeled.

**LABEL, IN PART:** (Labeled bottles) "Simmons Lift-2-Life Calcium Pantothenate \* \* \* 10 mg. (10,000 Micrograms) each of Calcium Pantothenate per tablet."

**VIOLATIONS CHARGED:** Misbranded when introduced into interstate commerce. Section 403 (i) (1), the article failed to bear a label containing the common or usual name of the food; Section 403 (e) (1), it was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and, Section 403 (j), it purported to be a food for special dietary use by reason of its vitamin content, the vitamin known as calcium pantothenate, and it failed to bear a label containing such information concerning its vitamin properties as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since it failed to bear a label stating the quantity of calcium pantothenate furnished by a specified quantity of the product when consumed as directed during a period of 1 day, and that the need for calcium pantothenate in human nutrition has not been established.

**DISPOSITION:** November 8, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6398. Misbranding of Nix Hair Vita. U. S. v. 12 Dozen Bottles of Gray Hair Vitamin. Decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 9783. Sample No. 10237-F.)

**LIBEL FILED:** April 9, 1943, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about March 27, 1943, by the Nix Cosmetics Co., from Memphis, Tenn.

**PRODUCT:** 6 dozen bottles, each containing 90 tablets, and 6 dozen bottles, each containing 30 tablets, of Gray Hair Vitamin at New Orleans, La.

The article contained approximately 10 milligrams of calcium pantothenate per tablet.

**LABEL, IN PART:** "Nix Hair Vita Anti 'Gray Hair Vitamin' Each Tablet 10 MG Calcium Pantothenate."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statements appearing on the label, "Nix Hair Vita Anti 'Gray Hair Vitamin' \* \* \* Investigations indicate may be of value in restoring color of hair by supplying dietary deficiency. Color starts coming through roots," were false and misleading as the use of the article would not result in restoring the natural color of hair to persons having gray hair.

**DISPOSITION:** July 7, 1943. The Nix Cosmetics Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**6399. Misbranding of Post's Cera-Co. U. S. v. 47 Cases of Post's Cera-Co. Default decree of condemnation and destruction. (F. D. C. No. 10468. Sample No. 42562-F.)**

**LIBEL FILED:** August 28, 1943, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about May 10, 1943, by the O. B. Gufler Co., from Portland, Oreg.

**PRODUCT:** 47 cases, each containing 36 1-pound bags, of Post's Cera-Co at Walla Walla, Wash. Each bag contained a small circular entitled "How To Enjoy Cera-Co."

**LABEL, IN PART:** "Post's Cera-Co A Blend of High Grade Coffee Extract, Rye, Wheat and Chicory \* \* \* Manufactured For and Distributed By Post Quality Foods Co. San Francisco-Los Angeles, California."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement on the bag, "A Blend of High Grade Coffee Extract, Rye, Wheat and Chicory," was misleading as applied to the article, which was a mixture of rye, wheat, and chicory, containing little or no coffee extract; the statement in an accompanying circular, "To make Coffee go farther," was misleading as applied to an article having none of the characteristic properties of coffee; the statements in the circular, "The combined use of Vitamins B-1 and Niacin is extremely beneficial to persons troubled with pellagra, allergies, nervousness, nutritional deficiency, sclerosis, diabetes, general weakness, poor appetite, gastric and intestinal disturbances, decreased peristalsis and poor lactation \* \* \* thus greatly benefits your health and vitality," were misleading since the product would not be of value in the treatment of such conditions; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirements for such vitamins supplied by the food when consumed in a specified quantity during a period of 1 day.

**DISPOSITION:** December 9, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6400. Misbranding of vegetable tablets. U. S. v. 140 Packages of Vegetable Tablets. Default decree of condemnation and destruction. (F. D. C. No. 10457. Sample No. 787-F.)**

**LIBEL FILED:** August 24, 1943, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about March 16, 1943, by Patten Concentrates, Inc., Burbank, Calif.

**PRODUCT:** 140 packages, each containing 500 vegetable tablets, at Battle Creek, Mich.

This article was in the form of tablets composed essentially of dried vegetable tissue, including kelp.

**LABEL, IN PART:** "Health House Brand Vegetable Tablets Supplies Essential Minerals from Eleven Vegetables."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its mineral content, and its label failed to bear such information concerning its mineral properties as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since its label did not bear a statement of the minerals contained therein, nor the proportions of the minimum daily requirements for each mineral supplied by such food; and, Section 403 (a), the words "Vegetable Tablets," "powdered vegetables," and "minerals from eleven vegetables," which appeared on the label, were false and misleading as applied to an article containing non-vegetable kelp.

**DISPOSITION:** September 17, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.